

On August 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3987. Adulteration of pecan meats. U. S. v. 5 Cases and 15 Cases of Pecan Meats. Default decrees of condemnation and destruction. (F. D. C. Nos. 7616, 7631. Sample Nos. 7777-E, 92080-E.)

Both lots of this product contained rodent hairs and one lot also contained insect fragments.

On June 8 and 9, 1942, the United States attorney for the Southern District of California filed libels against a total of 20 cases of pecan meats at San Diego, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about April 11 to on or about May 23, 1942, by James Jefferson from Yuma, Ariz.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 31, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3988. Misbranding of peanut butter. U. S. v. 14 Cases and 42 Cases of Peanut Butter. Default decree of condemnation. Product ordered distributed for charitable purposes. (F. D. C. No. 7610. Sample Nos. 79686-E, 79687-E.)

On June 16, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 14 cases, each containing 12 1½-pound jars, and 42 cases, each containing 24 12-ounce jars, of peanut butter at Middlesboro, Ky., alleging that the article had been shipped in interstate commerce on or about February 11 and March 16, 1942, by Dee's Foods, Inc., from Bristol, Va., and Bristol, Tenn.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was in package form and failed to bear labels containing accurate statements of the quantity of the contents. It was alleged to be misbranded further in that the statements on the labels: (Portion) "Dee's Peanut Butter * * * Contents 1 Lb. 8 Ozs." and (remainder) "Four Star Peanut Butter Contents 12 Oz. Net Wt.," were false and misleading since the jars contained less than the amounts declared.

On July 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed for charitable purposes.

3989. Adulteration and misbranding of peanut butter. U. S. v. 29 Cases of Peanut Butter. Consent decree of condemnation and destruction. (F. D. C. No. 7930. Sample No. 71561-E.)

This product contained dirt and was also short of the declared weight.

On July 15, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 29 cases, each containing 24 jars, of peanut butter at Mt. Vernon, Ill., alleging that the article had been shipped in interstate commerce on or about January 16, 1942, by Sweet Adeline Foods, Inc., from Louisville, Ky.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Honey Dew Net Wt. 6 Ozs. Quality Peanut Butter."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid or decomposed substance.

It was alleged to be misbranded in that the statement "Net Wt. 6 Ozs." was false and misleading in that it was short of the declared weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On August 4, 1942, the Sweet Adeline Foods, Inc., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

CANDY

3990. Adulteration of candy. U. S. v. Leonard J. Elmer and John W. Huggett (Receivers for Elmer Candy Co., Inc.). Pleas of nolo contendere. Fine of \$75 against defendant Elmer and \$25 against defendant Huggett. (F. D. C. No. 5523. Samples Nos. 11216-E, 11220-E, 11222-E, 31780-E, 37139-E, 43849-E, 43859-E, 55740-E.)

Samples of this product were found to contain rodent hairs and other filth.

On January 15, 1942, the United States attorney for the Eastern District of Louisiana filed an information against Leonard J. Elmer and John W. Huggett, receivers for Elmer Candy Co., Inc., New Orleans, La., alleging shipment within the period from on or about October 31, 1940, to on or about January 3, 1941,

from the State of Louisiana into the States of Oregon, Kansas, Georgia, Illinois, and Texas, of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Elmer's New Orleans Mint Bubbles," "Gold Bricks," "Cottage Sweets," "Chocolates," "Standard Package," "Quality Package," or "Peanut Brittle Candy."

On August 26, 1942, the defendants having entered pleas of nolo contendere, the court imposed fines of \$75 and \$25, respectively, on defendants Elmer and Huggett.

3991. Adulteration of candy. U. S. v. Louis Rovengo (Rovegno) (Two Star Confectionery Co.). Plea of guilty. Fine, \$500. (F. D. C. No. 2885. Sample Nos. 10115-E to 10118-E, incl., 11057-E, 33147-E, 33214-E to 33219-E, incl., 33221-E to 33224-E, incl., 33231-E to 33234-E, incl., 33236-E.)

Samples of this product were found to contain insect excreta, rodent hairs, human hairs, metal filings, pebbles, insect fragments, and nondescript dirt.

On April 16, 1942, the United States attorney for the Southern District of New York filed an information against Louis Rovengo (Rovegno) trading as Two Star Confectionery Co., New York, N. Y., alleging shipment within the period from on or about January 29, 1940, to on or about June 26, 1940, from the State of New York into the States of New Jersey and Texas of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Candy Ass'd Haggi's," "Two Star Candy Spearmint Leaves," "Lucky Shoe," "Jelly Beans," "Two Star Confectionery," "Black Haggi's," "Big Five Candy Gum Drops," "Darkies," or "Strawberries."

On April 20, 1942, the defendant entered a plea of not guilty and on December 7, 1942, changed his plea to guilty and the court imposed a fine of \$500.

3992. Adulteration of candy. U. S. v. 233 Boxes of Candy (and 2 additional seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 7781, 7806, 7852. Sample Nos. 80810-E, 98091-E, 98092-E, 98093-E, 98705-E, 98706-E.)

Wood fragments, sand, wool fibers, wood fragments, metal fragments, insect fragments, and mammalian hairs resembling those of rodents were found in samples taken from these candies.

On June 19 and 26, and July 3, 1942, the United States attorneys for the Northern District of Ohio and the District of Massachusetts filed libels against 233 boxes of candy at Cleveland, Ohio, 100 boxes of candy at Brockton, Mass., and 308 boxes of candy at Chelsea, Mass., alleging that the article had been shipped in interstate commerce on or about May 12, 15, and 16, 1942, by the Ferrara Panned Candy Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Boxes) "Jaw Breakers," "Spearmint Leaves," "Victory Balls With Saf-T Stix," "Kumbak Balls."

On July 23 and August 17, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3993. Adulteration of candy. U. S. v. 20 Cases of Candy. Decree of condemnation and destruction. (F. D. C. No. 7604. Sample No. 93232-E.)

This product contained hairs resembling rodent hairs, and insect fragments.

On June 3, 1942, the United States attorney for the District of Oregon filed a libel against 20 cases of candy at Portland, Ore., alleging that the article had been shipped in interstate commerce on or about May 7, 1942, by Bishop & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Giant Gum Drops * * * Bishop and Company, Inc., Division of National Biscuit Company Los Angeles, California."

On July 16, 1942, the sole intervenor, having abandoned its claim, judgment of condemnation was entered and the product was ordered destroyed.